



Tribal Consultation MN Strategy

From Governor to Field Staff

We all have a stake in **A  B**



Now, therefore, I order that...



EXECUTIVE ORDER 13-10

Signed by Governor Dayton

August 8, 2013

At White Earth Nation



STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 13-10

Affirming the Government-to-Government Relationship between the State of Minnesota and the Minnesota Tribal Nations: Providing for Consultation, Coordination, and Cooperation; Rescinding Executive Order 03-05



I hereby order that...

“...by March 10, 2014, the following Cabinet-level Executive Branch agencies shall, in consultation with the Minnesota Tribal Nations, develop and implement tribal consultation policies to guide their work and interaction with the Minnesota Tribal Nations...”

Policy Statement

The Minnesota Department of Transportation (MnDOT) seeks to foster and facilitate positive government-to-government relations between the Department and all federally recognized Minnesota Tribal Nations¹.

"Indian Nations have always been considered as distinct, independent political communities, retaining their original rights, as the undisputed possessors of the soil ... The very term 'nation' so generally applied to them, means 'a people distinct from others.'"

Chief Justice John Marshall
United States Supreme Court
Worcester v. Georgia
31 US (6 Pet.) 515, 561 (1832)

The Department requires that the principles of the "Minnesota Tribal Nations" policy are to be considered at all phases of planning and project development in the establishment, development, operation, and maintenance of a comprehensive, integrated, and connected multimodal transportation system.

In order to promote successful consultation and collaboration between tribal governments and the state, the following guiding principles will be followed:

- We commit to meet annually with Minnesota Tribal Nations to identify priority issues for consultation.
- When tribal officials request consultation, the Department will honor the tribal government's request with consideration of the nature of the activity, past consultation efforts, available resources, timing considerations, and all other relevant factors.
- We will consult in face-to-face meetings between the appropriate level staff to increase understandings of any proposed actions and enhance the development of effective outcomes and solutions.
- We will build upon already established and on-going relationships between tribal and state officials.
- We will consult with honesty, integrity and transparency in the consultation process. Mutual respect and trust are fundamental elements in establishing a good consultative relationship.
- We will be open with information that may be beneficial or critical to making a decision or developing a position.
- We will, together with tribal nations, remain flexible to attain practical and progressive solutions.

¹ In Minnesota, the federally recognized tribes are: Bois Forte Band of Chippewa; Fond du Lac Band of Lake Superior Chippewa; Grand Portage Band of Lake Superior Chippewa; Leech Lake Band of Ojibwe; Lower Sioux Indian Community; Mille Lacs Band of Ojibwe; Prairie Island Indian Community; Red Lake Nation; Shakopee Mdewakanton Sioux Community; Upper Sioux Community; White Earth Nation.

ADMINISTRATION



Minnesota Tribal Nations
Government-to-Government
relationship with MnDOT

*Providing for Consultation,
Coordination, and Cooperation*

MnDOT Policy AD005

Policy Contents

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*Effective Date as signed by Responsible
Senior Officer*

*Last Update
New policy*

Responsible Senior Officer
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Policy Owner
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Policy Contact
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Tribal Liaison
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I hereby order that...

“...prior to February 1 of each year, each Cabinet Agency shall consult with each of the Minnesota Tribal Nations to identify priority issues for consultation.”



I hereby order that...

“Each Cabinet Agency shall designate a staff member to assume responsibility for implementation of the tribal consultation policy and to serve as the principal point of contact for the Minnesota Tribal Nations.”



Minnesota Agency Tribal Liaisons (2014)
Vern LaPlante- Human Services,
Jackie Dionne- Health,
Edward Fairbanks- Transportation



I hereby order that...

“All Cabinet Agencies shall provide training for designated staff who work with the Minnesota Tribal Nations in an effort to foster a collaborative relationship between the State of Minnesota and the Minnesota Tribal Nations.”



Prairie Island Indian Community
President Johnny Johnson



Tribal-State Relations Training
at Upper Sioux Community



Foundation for Tribal Consultation



How did we start?



- } Motivation – Training needed
 - Developed Advisory Team
 - Developed Curriculum
 - Contracted with UMD – Indian Studies

- } Executive Order – Needed to carry out training
 - Small Group from Advisory Team
 - Advise and support from Tribes
 - Meetings with Governor’s Staff
 - Presentation to Governor



Why Provide Education?

Problem

- } Education is about American Indian and Tribal Governments is scarce in public education

Challenge

- } Employees of state agencies are mandated to consult with tribes on matters of mutual interest

Solution

- } Provide education about Tribal Governments and American Indians

Minnesota Tribal-State Relations Training



October 27th & 28th, 2014

Northern Lights Casino Hotel and Event Center
Walker, MN

Registration Now Open!

This training is in response to the Governor's Executive Order 13-10 requiring state agencies to consult with tribes on matters of mutual interest. The two-day course is designed to educate state agency staff about American Indian tribal governments, histories, cultures and traditions and to help state employees to work more effectively with tribal governments and American Indians. Class curriculum offers interactive discussion and case examples.

Agency employees completing this course will gain an understanding of the:

- history of federal Indian policy
- unique relationship between tribal, state and federal governments
- differences (geographical and historic) among the Minnesota Tribes
- issues which the state of Minnesota and the Minnesota Tribes may differ on
- way in which differences can be resolved through understanding, mediation, agreements and partnerships.

Questions? Please contact your Agency's Tribal Liaison/designated point of contact for the Minnesota Tribal Nations or email the University of Minnesota-Duluth, Continuing Education cehelp@d.umn.edu

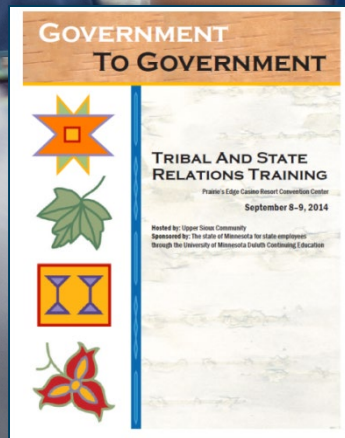
*Revised 9/11/14



Tribal-State Relations Training

Agenda – Course Outline (Day 2)

- Welcome and Reflections Activity
- The 11 Minnesota Tribes and Federally Recognized Tribal Maps
- Dakota Reflections (Guest Speaker)
- Q&A: Answers to Your Historic and Cultural Questions (Panel)
- Interacting with the Tribes (Tribal Liaison Panel Discussion)
- Consulting and Building Partnerships with American Indians (Tribal Leader Panel Discussion)
- Meaningful and Timely Consultation: Examples Between the State and Minnesota Tribal Nations
- Agency Plans for Consulting and Building Partnerships
- Conclusion and Closing Invocation



Tribal Liaison Role

“If structured correctly (represented in the Commissioner’s Office) **the Tribal Liaison**, inclusive to the agency’s Senior Leadership, is the **only staff member** whom has the **duty to interact** with a **wide range of jurisdictional and governmental** entities.”



Impacts on Tribal Liaison Work

- } Increased workload both internally and externally to the organization
- } Training in some form, must reach the other 181 state agencies, offices, boards, and councils; WHOM CURRENTLY MAY or MAY NOT have Tribal Liaison and Tribal Consultation Policies
- } Better understanding that state staff may need assistance with implementing COORDINATION vs. CONSULTATION

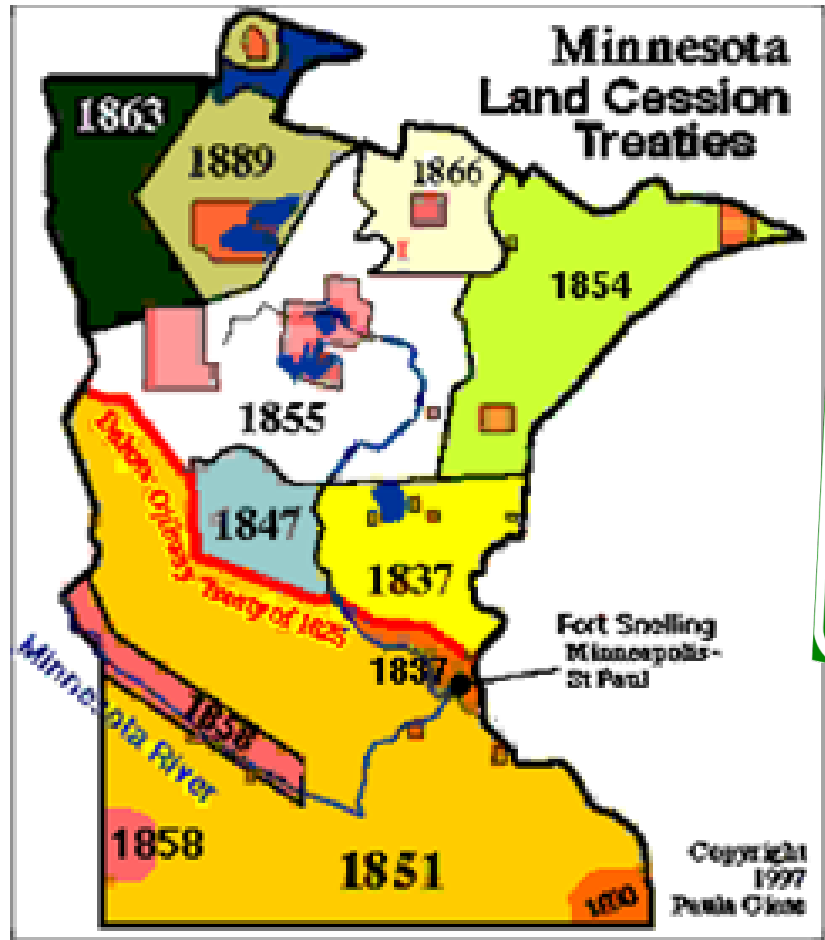


Workload of Tribal Liaison

- 
- } Assistance with Coordination and Consultation efforts (internally and externally)
 - } Regularly reviewing agreements (individual Tribal and MnDOT Agreements:
 - ROW Vegetative Management Indian Employment (TERO)
 - Section 106 (Tribal\FHWA\MnDOT)
 - Area Transportation Partnerships, Tribal Voting Membership
 - Tribal\MnDOT Communications Index
 - } And more...



Treaty Boundary Signs



Grand Portage Federally Funded Ferry Dock Project



- ü Coordination
- ü Consultation
- ü Resolution



Consultation and Coordination

From the
Regional
Manager
Point of
View...



Lessons Learned

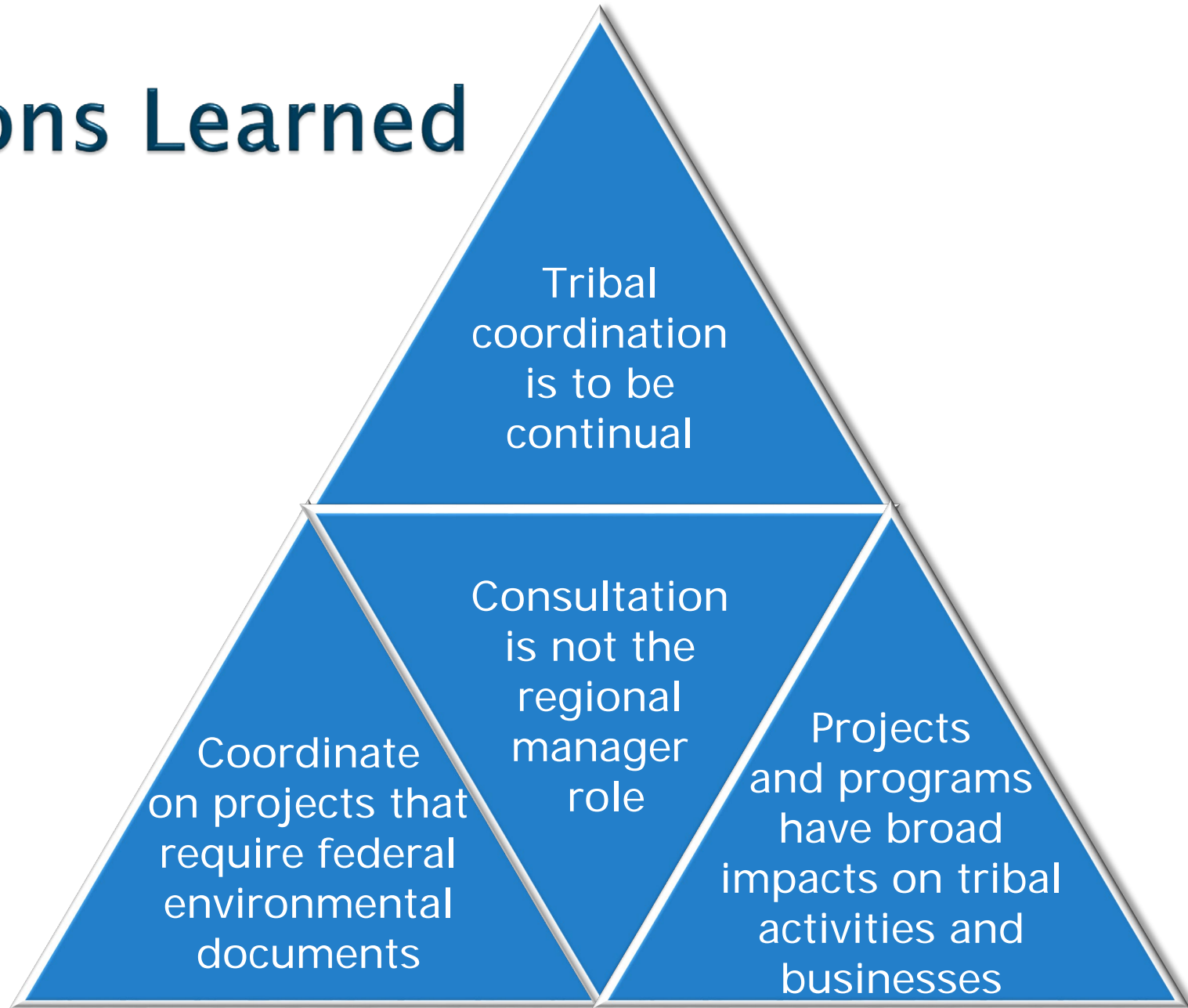
Regional
Coordination
Activities



Hwy 169 Eagles Nest
Lake Reconstruction



Lessons Learned



Coordination Activities on Regional Level at MnDOT

- } Tribal representation on Area Transportation Partnerships (ATP's).
- } Annual project and program review meetings focused on next 4 years of construction program.
- } Annual updates to environmental index to maintain relationships and contact information on specific issues.
- } When coordination issue starts to turn into consultation, then LIAISON gets involved.



Coordination Activities on Regional Level at MnDOT

- } Project level meetings to discuss potential concerns regarding specific projects.
- } Project level meetings to encourage tribal employment when applicable.
- } Project level meetings to mitigate potential concerns.



Eagles Nest Project

Provided overview of projects near reservation in upcoming years

Heard concern about business impacts of detour near reservation

Recognized that there is a need to coordinate early in project planning

Recognized that early coordination is similar to federal agency coordination for environmental document review



Example of Tribal Coordination

- } Held face to face meeting to explain project purpose and need and alternatives.
- } Received input regarding project concerns and input regarding which alternatives had most impact on those concerns.
- } Received letter from Tribal Council with Tribal input.
- } Input used in decision making.



Highway 1/169
Improvements Six Mile
Lake Road to Bradach
Road "Eagles Nest"



Intended Outcomes & Lessons Learned

- } More effective state employees
- } Greater interaction and cooperation between State Government and Tribal Governments
- } Lasting solutions to a long-standing problem
- } Benefits transportation
- } Meaningful working relationships with tribes
- } Continuing education opportunities for state employees to understand the relationship with tribal governments in relation to their work



Questions ?

- } Scott Peterson
Director, Government Affairs
- } Linda Aitken
Tribal Education Coordinator,
Government Affairs
- } Edward Fairbanks
Tribal Liaison, Tribal Office of
Government Affairs
- } Duane Hill
District Engineer, Northeastern
Region

**More information can be
found on our website at:**

MnDOT Website
<http://www.dot.state.mn.us/>

Executive Order
<http://mn.gov/governor/images/EO-13-10.pdf>

MnDOT Policy
<http://www.dot.state.mn.us/policy/admin/ad005.html>

